



U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 6, 2023

**BY ECF**

Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

**Re: *United States v. FNU LNU, 22 Cr. 16 (SHS)***

Dear Judge Stein:

The Government submits this letter to respectfully request that the Court unseal the following documents (the "Requested Documents") so that Probation may provide them to the parties in connection with the trial in the above-captioned case: (i) the chronologies prepared and maintained by the United States Probation Office ("Probation"), detailing the defendant's supervision in connection with his prior convictions and sentence in this District, *see* 10 Cr. 1043 (KTD) (the "Prior Convictions and Sentence"); (ii) monthly treatment reports pertaining to the defendant during his federal supervision; and (iii) any correspondence between Probation and individuals or entities involved in providing medical treatment, mental health counseling, or other similar services to the defendant during his federal supervision.

The Prior Convictions and Sentence involved conduct by the defendant that is substantially similar to the conduct charged in this case, namely, theft of the identity of an individual named Ricardo Hernandez for the purpose of obtaining a U.S. passport and benefits under certain federal government-funded programs. The Government understands that, in connection with the Prior Convictions and Sentence, the defendant began serving a three-year term of supervised release on or about January 8, 2016, following his release from prison. A substantial portion of the conduct underlying the charges in this case took place during the defendant's term of supervised release. Accordingly, the defendant's contacts with Probation during that supervision, including any representations made by the defendant to Probation about his identity, or about the Prior Convictions and Sentence, are relevant to the charges in this case, and may be the subject of witness testimony at the trial. In addition, because the defendant has provided notice of intent to introduce expert evidence of a mental condition bearing on the issue of guilt pursuant to Federal Rule of Criminal Procedure 12.2(b), information about medical treatment, mental health counseling, and other similar services received by the defendant during his federal supervision is relevant to the charges in this case.

The Government understands that the Requested Documents may be unsealed only upon a Court order. In addition, once in possession of the files, the Government must disclose them to the defendant pursuant to Title 18, United States Code, Section 3500 and/or pursuant to its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). Accordingly, the Government respectfully requests that Requested Documents be ordered unsealed.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/  
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Henry L. Ross  
Assistant United States Attorneys  
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cc: All counsel of record (by ECF)

9/7/2023  
Request granted.  
So ordered  
Sikhey W Stein  
U.S.D.S.